

1
2
3
4
5
6 The Honorable Robert J. Bryan
7
8
9

10 UNITED STATES DISTRICT COURT
11 WESTERN DISTRICT OF WASHINGTON
12 AT TACOMA

13 Lighthouse Resources Inc., et al.,
14 Plaintiffs,
15 and
16 BNSF Railway Company,
17 Plaintiff-Intervenor,
18 v.
19 Jay Inslee, et al.,
20 Defendants,
21 and
22 Washington Environmental
23 Council, et al.,
24 Defendant-Intervenors.

NO. 3:18-cv-05005-RJB

DECLARATION OF
THOMAS J. YOUNG IN
SUPPORT OF DEFENDANTS'
MOTION FOR SUMMARY
JUDGMENT ON COMMERCE
CLAUSE ISSUES

25 I, THOMAS J. YOUNG, declare under penalty of perjury under the laws of the state of
26 Washington that the following is true and correct.

27 1. I am one of the attorneys assigned to represent State Defendants in this matter. I
28 certify that attached hereto as exhibits are true and correct copies of the following documents:

29 2. Exhibit 1: Final Environmental Impact Statement, Chapter S.1.

30 DECLARATION OF THOMAS J.
31 YOUNG IN SUPPORT OF
32 DEFENDANTS' MOTION FOR
33 SUMMARY JUDGMENT ON
34 COMMERCE CLAUSE ISSUES (3:18-cv-
35 05005-RJB)

1 3. Exhibit 2: Expert Report of Ian Goodman dated November 14, 2018,
2 pages 148-49.

3 4. Exhibit 3: Final Environmental Impact Statement, Chapter 3-2.

4 5. Exhibit 4: Final Environmental Impact Statement, Chapter 3-4.

5 6. Exhibit 5: Final Environmental Impact Statement, Chapter 3-5.

6 7. Exhibit 6: Final Environmental Impact Statement, Chapter 5-1.

7 8. Exhibit 7: Final Environmental Impact Statement, Chapter 5-2.

8 9. Exhibit 8: Final Environmental Impact Statement, Chapter 5-3.

9 10. Exhibit 9: Final Environmental Impact Statement, Chapter 5-4.

10 11. Exhibit 10: Final Environmental Impact Statement, Chapter 5-5.

11 12. Exhibit 11: Final Environmental Impact Statement, Chapter 5-6.

12 13. Exhibit 12: Deposition of William Chapman, pages 32, 178-85, and
14 Exhibit 399.

15 14. Exhibit 13: Deposition of Maia Bellon, pages 39-40, 139-42, 144-46, 149-50,
16 234-36.

17 15. Exhibit 14: Deposition of Linda Amato, pages 74-76, 96-97.

18 16. Exhibit 15: Deposition of Robert Duff, pages 27-29, 85-86.

19 17. Exhibit 16: Deposition of Keith Phillips, pages 324-25, 331-36.

20 18. Exhibit 17: Lighthouse's Answers to Intervenors' Interrogatory Nos. 10 and 21.

21 19. Exhibit 18: Deposition of Mark Berkman, pages 125-27.

22 20. Exhibit 19: Lighthouse's Supplemental Answers to Intervenors' Interrogatory
23 No. 4.

1 21. Exhibit 20: BNSF's Answer to State Defendants' Interrogatory No. 1.
2 22. Exhibit 21: Lighthouse's Answer to State Defendants' Interrogatory No. 4.
3 23. Exhibit 22: Deposition of Seth Schwartz, pages 23–27, 29–31, 34–37, 164.
4 24. Exhibit 23: Order on Motions, Shorelines Hearings Board Cause No. 17-017c,
5
6 dated April 20, 2018.

7 25. Exhibit 24: Expert Report of Mark Berkman (corrected), pages 15–18, dated
8 December 3, 2018.

9 26. Exhibit 25: Fed. R. Civ. P. 30(b)(6) deposition of Jordan Sweeney, pages 57,
10 171–76.

11 DATED this 12th day of February 2019, in Olympia, Washington.

12
13
14 *s/ Thomas J. Young*
15 THOMAS J. YOUNG
16
17
18
19
20
21
22
23
24
25
26

CERTIFICATE OF SERVICE

I hereby certify that on February 12, 2019, I caused the foregoing document to be electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

DATED this 12th day of February 2019.

s/ Thomas J. Young
THOMAS J. YOUNG, WSBA #17366
Senior Counsel
360-586-4608